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Attorneys for USACM Liquidating Trust

E-Filed on 3/15/2010

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund,
LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Status And Agenda For March 17,
2010 Hearing filed by USACM
Liquidating Trust**

Hearing Date: March 17, 2010
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1
2 **1. Motion to Dismiss Complaint Filed by Jeannette McPherson on**
3 **Behalf of USA Commercial Mortgage Company - Adv 09-01284 - Silar Advisors, LP**
4 **& Silar Special Opportunities Fund, LP & Asset Resolution LLC vs. USA Commercial**
5 **Mortgage Company & USA Capital First Trust Deed Fund, LLC & Geoffrey L. Berman**

6 **Motion Filed:** Motion to Dismiss Complaint Filed by Jeannette McPherson on
7 Behalf of USA Commercial Mortgage Company [DE 17]
8 December 7, 2009

9 **Joinder Filed:** Joinder USACM Liquidating Trust's Joinder in Motion to Dismiss
10 with Certificate of Service Filed by Rob Charles on behalf of
11 Geoffrey L. Berman [DE 23]
12 December 21, 2009

13 **Filed:** Order Continuing The Hearing Of USACM's Motion To Dismiss
14 **February 2, 2010** Complaint. Hearing scheduled 3/17/2010 at 09:30 AM at LBR-
15 Courtroom 1, Foley Federal Bldg [DE 34]
16

17 **Status**

18 **2. Scheduling Conference Re: Complaint - Adv 09-01284 - Silar Advisors,**
19 **LP & Silar Special Opportunities Fund, LP & Asset Resolution LLC vs. USA**
20 **Commercial Mortgage Company & USA Capital First Trust Deed Fund, LLC &**
21 **Geoffrey L. Berman**

22 **Filed:** Virtual Minute Entry in reference to hearing On: 02/17/2010
23 February 17, 2010 Subject: Scheduling Conference RE: Complaint.[DE 42]
24

25 **Status**
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2 **3. Objection to Claim 10725-01277 of Premiere Holdings Inc Defined**
3 **Benefit Pen Plan & T in the amount of Based, In Whole Or In Part, Upon**
4 **Investment In Standard Property Development, LLC Loan with Certificate of**
5 **Service Filed by Rob Charles on behalf of USACM Liquidating Trust - 06-10725-**
6 **lbr, USA Commercial Mortgage Company**

7 **Objection Filed:** Objection to Claim 10725-01277 of Premiere Holdings Inc
8 January 7, 2010 Defined Benefit Pen Plan & T in the amount of Based, In Whole
9 Or In Part, Upon Investment In Standard Property Development,
10 LLC Loan with Certificate of Service Filed by Rob Charles on
11 behalf of USACM Liquidating Trust [DE 7905]

12 **Status** No response filed. Counsel will request the Court enter an order
13 sustaining the objection.
14

15 **4. Objection to Claim of in the amount of Objection of USACM Trust to**
16 **Proofs of Claim Based, in Whole or in Part, Upon Investment in I-40 Gateway**
17 **West Loan with Certificate of Service Filed by John Hinderaker on behalf of**
18 **USACM Liquidating Trust - 06-10725-lbr, USA Commercial Mortgage Company**

19 **Objection Filed:** Objection to Claim of in the amount of Objection of USACM
20 January 8, 2010 Trust to Proofs of Claim Based, in Whole or in Part, Upon
21 Investment in I-40 Gateway West Loan with Certificate of Service
22 Filed by John Hinderaker on behalf of USACM Liquidating Trust
23 [DE 7915]

24 **Order Filed:** Order Sustaining Objection Of USACM Trust To Proofs Of
25 Claim Based, In Whole Or In Part, Upon Investment In I-40
26 Gateway West Loan **(Except As To Premiere Holdings Inc.'s**
Proof Of Claim) [DE 7983]

Status No response filed.

1 **5. Second Amended Motion to Compel Production of Documents and**
2 **Testimony filed by Dean V. Fleming on behalf of Wells Fargo Bank, N.A. - Adv. 08-**
3 **01135 - USACM Liquidating Trust & USA Capital Diversified Trust Deed Fund &**
4 **USA Capital First Trust Deed Fund , LLC vs. Wells Fargo Bank, N.A**

5 **Motion Filed:** Second Amended Motion to Compel Production of Documents
6 February 17, 2010 and Testimony filed by Dean V. Fleming on behalf of Wells
7 Fargo Bank, N.A. [DE 238]

8 **Response Filed:** Response *to* Defendant's Second Amended Motion to Compel
9 March 3, 2010 Production of Documents and Testimony with Certificate of
10 Service Filed by Joshua J. Bruckerhoff on behalf of USA Capital
11 Diversified Trust Deed Fund, LLC [DE 245]

12 **Reply Filed:** Reply *to* Plaintiff's Response to Defendant's Second Amended
13 March 10, 2010 Motion to Compel Production of Documents and Testimony with
14 Certificate of Service Filed by Dean V. Fleming on behalf of
15 Wells Fargo Bank, N.A. [DE 260]

16 **Status:**

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2 **6. Amended Motion to Compel Defendant to Produce Documents,**
3 **Provide Testimony, and Respond to Discovery Requests filed by Joshua J.**
4 **Bruckerhoff on behalf of USA Capital Diversified Trust Deed Fund, LLC - Adv.**
08-01135 - USACM Liquidating Trust & USA Capital Diversified Trust Deed Fund &
USA Capital First Trust Deed Fund , LLC vs. Wells Fargo Bank, N.A

5 **Motion Filed:** Amended Motion to Compel Defendant to Produce Documents,
6 February 17, 2010 Provide Testimony, and Respond to Discovery Requests filed by
7 Joshua J. Bruckerhoff on behalf of USA Capital Diversified Trust
Deed Fund, LLC [DE 242]

8 **Response Filed:** Response to Plaintiff's Amended Motion to Compel Defendant to
9 March 3, 2010 Produce Documents, Provide Testimony and Respond to
10 Discovery Requests with Certificate of Service Filed by Michael
W. O'Donnell on behalf of Wells Fargo Bank, N.A.[DE 245]

11 **Reply Filed:** Reply to Defendant's Response to Plaintiff's Amended Motion to
12 March 10, 2010 Compel with Certificate of Service Filed by Joshua J. Bruckerhoff
13 on behalf of USA Capital Diversified Trust Deed Fund, LLC [DE
262]

14 **Status:** Ready to proceed
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16 **7. Status Conferene Re: Complaint - Adv. 08-01135 - USACM**
17 **Liquidating Trust & USA Capital Diversified Trust Deed Fund & USA Capital First**
Trust Deed Fund , LLC vs. Wells Fargo Bank, N.A

18 **Filed:** **Virtual Minute Entry in reference Status Hearing [DE 237]**
19 February 5, 2010

20 **Status:** Ready to proceed
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1 **8. Status Hearing Re: Objection to Claim 136 of Del bunch D.B.A. Loan**
2 **partners Capital in the Amount of \$11,358,662.28 filed by Talitha B. Gray on**
3 **behalf of Lisa M. Poulin - 07-11821 - USA Investment Partners, LLC**

4 **Objection Filed:** Objection to Claim 136 of Del bunch D.B.A. Loan partners
5 September 30, 2009 Capital in the Amount of \$11,358,662.28 filed by Talitha B. Gray
6 on behalf of Lisa M. Poulin [DE 977]

7 **Response Filed:** Response to Objection to Claim 136 of Del bunch D.B.A. Loan
8 October 19, 2009 partners Capital in the Amount of \$11,358,662.28 filed by Del
9 Bunch [DE 997]

10 **Reply Filed:** Reply to Response to Objection to Claim 136 of Del bunch
11 November 5, 2009 D.B.A. Loan partners Capital in the Amount of \$11,358,662.28
12 filed by Del Bunch [DE 1023]

13 **Filed:** Virtual Minute Entry in reference to Hearing on 11/13/09 re
14 November 13, 2009 Objection to Claim 136 of Del Bunch D.B.A. Loan Partners
15 Capital in the Amount of \$11,358,662.28 Filed by Talitha B. Gray
16 on behalf of Lisa M Poulin Hearing Continued to 12/18/09 @
17 1:30 PM.[DE 1038]

18 **Filed:** Stipulation By Lisa M Poulin and Between Del Bunch Filed by
19 Teresa M. Krapta on behalf of Lisa M Poulin [DE 1082]
20 December 15, 2009

21 **Filed:** Second Stipulation By Lisa M Poulin and Between Del Bunch
22 January 11, 2010 D.B.A. Loan Partners Capital to Continue Hearing Filed by
23 Teresa M. Krapta on behalf of Lisa M Poulin [DE 1112]

24 **Filed:** Virtual Minute Entry in reference to hearing On: 01/11/2010 re
25 January 11, 2010 Status Hearing re: Objection to Claim 136 of Del Bunch D.B.A.
26 Loan Partners Capital in the Amount of \$11,358,662.28 Filed by
Talitha B. Gray on behalf of Lisa M Poulin Continued Status to
2/5/10 @ 9:30 AM.

Filed: Hearing Scheduled/Rescheduled Hearing scheduled 3/17/2010 at
09:30 AM at LBR-Courtroom 1, Foley Federal Bldg [DE1138]
February 8, 2010

Status:

1 **9. Status Hearing Re: Complaint** - Adv. 07-01212 - Aurora Investments
2 L.P. et al. vs. Joseph D. Milanowski

3 **Order Filed:** Order Status Hearing Re: Complaint [DE 32]
4 February 9, 2010

5 **Status:**
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7 **10. Status Hearing Re: Complaint** - Adv. 08-01052 - Kehl et al. vs. Joseph
8 D. Milanowski

9 **Order Filed:** Order Status Hearing Re: Complaint [DE 32]
10 February 9, 2010

11 **Status:**
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13 **11. Status Hearing Re: Complaint** - Adv. 08-01090 - USA Capital
14 Diversified Trust Deed Fund vs. Joseph D. Milanowski

15 **Order Filed:** Order Status Hearing Re: Complaint [DE 33]
16 February 9, 2010

17 **Status:**
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19 **12. Status Hearing Re: Complaint** - Adv. 08-01093 - USACM Liquidating
20 Trust vs. Joseph D. Milanowski

21 **Order Filed:** Order Status Hearing Re: Complaint [DE 38]
22 February 9, 2010

23 **Status:**
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LEWIS
AND
ROCA
LLP
LAWYERS

1 Dated March 15, 2010.

2 LEWIS AND ROCA LLP

3
4 By: /s/ John Hinderaker, AZ 18024
5 Rob Charles, NV 6593
6 John Hinderaker, AZ 18024 (*pro hac vice*)
7 *Counsel for USACM Liquidating Trust*

8 PROOF OF SERVICE

9 COPY of the aforementioned sent via e-
10 mail or U.S. First Class Mail postage
11 prepaid on March 15, 2010 to the parties
12 listed on Post-Effective Official Service
13 List for Limited Notice No. 5 Dated
14 March 31, 2009.

15
16 /s/ Jennifer Cook
17 Jennifer Cook

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